



APPEALS HEARING BOARD

THURSDAY, SEPTEMBER 12, 2013

Evening Session 6:30 p.m.
Council Chambers, City Hall

200 E. Santa Clara Street
San Jose, California

David Parker, Chair
Troy Overton, Vice Chair
Rajwant Bains Timothy Kenny
William Murphy Susan Ruscigno
Robyn Shearin

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Availability of Public Records. All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at 200 E. Santa Clara Street at the City Clerk's Office, at the same time that the public records are distributed or made available to the legislative body.

To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please call (Debbie Morales at 408-535-6811) or 408-294-9337 (TTY) as soon as possible, but at least three business days before the meeting/event.

NOTICE TO THE PUBLIC

Good evening, my name is David Parker and I am the Chair of the Appeals Hearing Board. On behalf of the entire Board, I would like to welcome you to the Appeals Hearing Board meeting of September 12, 2013.

When addressing the Board, you will first need to identify yourself and state your address for our records. Then you will be sworn in. Please make sure you fill out a speaker's card first and hand the card to the Board Secretary.

The procedure for this hearing is as follows:

- The Board Secretary will take roll, after the Chair has read the opening remarks. The board will then conduct a vote on the approval of minutes from the meeting of August 22, 2013.
- City staff will present testimony on the City's case for each item.
- After City staff's testimony the property owner or his/her representative will give testimony. Then the Board will hear testimony from other interested parties. All items submitted to the Board will be retained as evidence. We urge witnesses to testify only on those issues raised by the administrative action.
- Board members frequently ask questions. Please try to answer the questions directly.
- After the testimony the public hearing will be closed and the Appeals Hearing Board will take action on the item.
- Copies of the agenda have been placed on the table near the door for your convenience. A complete packet of the documents pertaining to the items on tonight's agenda is available to review on the desk by the Commission Secretary.
- Please turn off cell phones and pagers.

Board Mission Statement: To have a fair and objective hearing to determine violations, encourage compliance, and to hear all appeals delegated by City Council for City Administrative Action by considering all evidence presented and making an appropriate ruling based on Code for the purpose of maintaining and improving the quality of life in San Jose.

AGENDA
ORDER OF BUSINESS
6:30 PM SESSION

1. ROLL CALL

2. OPENING REMARKS AND APPROVAL OF MINUTES

- a. Recommendation: Approval of minutes for August 22, 2013.

3. REQUESTS FOR DEFERRALS

4. PUBLIC HEARINGS CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar hearing as they are considered to be routine by the Appeals Hearing Board and will be adopted by one motion. If a member of the Board, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

a. 2311 ORLANDO DRIVE (491-28-034) SUMMARY ABATEMENT

(Tony Gonzalez, Inspector / Chase Home Finance, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement action secure the one (1) window opening to prevent unauthorized entry.

b. 2829 MONTEREY ROAD (455-36-004) SUMMARY ABATEMENT

(Tony Gonzalez, Inspector / Raisch Investment Group, Ltd., Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement action to secure the four (4) door openings, five (5) window openings, one set of double track doors and one chain link driveway gate to prevent unauthorized entry.

c. 1519 MCGINNESS AVENUE (488-07-030) SUMMARY ABATEMENT

(Tony Gonzalez, Inspector / Wells Fargo Home Mortgage, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement action to secure the front door to prevent unauthorized entry.

d. 309 N 5TH STREET (249-46-057) SUMMARY ABATEMENT

(Todd Waltrip, Inspector / Allen and Lillian Wong, Property Owners)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement action to remove the accumulation of household furniture, tables, chairs, bikes and other

miscellaneous items, trash, refuse and garbage from the street to remove the dangerous obstructions from the public right of way.

e. **980 S 12TH STREET (472-12-010) SUMMARY ABATEMENT**

(Carolyn Slezak, Inspector / Pauline F. Kouvals-Prew, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement action to secure the basement access to the main house and four (4) window openings and two (2) door openings at the rear accessory building to prevent unauthorized entry.

5. **DEFERRED AND/OR CONTINUED ITEMS**

6. **PUBLIC HEARINGS**

a. **533 N 19TH STREET (249-26-050) ADMINISTRATIVE REMEDY**

(Todd Waltrip, Inspector / Robert L. Bard Sr., Et Al, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to require the property owner to cease all business recycling operations and remove the accumulation of trash and debris from the yard areas.

b. **491 AUZERAIS AVENUE (264-20-101) ADMINISTRATIVE REMEDY**

(David Pieruccini, Inspector / Joseph Billalobos, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to require the property owner to obtain and pay the required permits to remove and revert all unpermitted building additions and alterations to the interior and exterior of the building, including the unpermitted 2nd floor enclosed deck and the unpermitted attached structure and enclosure for the relocated and unpermitted water heater, washer and dryer.

c. **27 CLEAVES AVENUE (261-32-025) PROPOSED ABATEMENT**

(Carolyn Slezak, Inspector / Tommy E. Pugh, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to obtain an order requiring the property owner to take the corrective actions to abate the overgrown vegetation in the side and rear yards.

d. **389 S 1ST STREET (264-29-118) APPEAL SUSPENSION OF ENTERTAINMENT PERMIT**

Conduct a public hearing on the appeal of Hearing Officer's decision upholding Teresa Nguyen dba Motif Lounge Suspension of Entertainment Permit. (SJMC Section 6.60.530.)

7. **REQUEST FOR EXCUSED ABSENCE**

8. **OTHER BUSINESS**

Appeals Hearing Board Secretary Debbie Morales to discuss topics for the upcoming Appeals Hearing Board Retreat scheduled for September 26, 2013.

9. **OPEN FORUM – ORAL COMMUNICATIONS FROM THE PUBLIC**

10. **ADJOURNMENT**

Next Board Meeting: September 26, 2013